



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Ramirez, Jr., Edward R., of Ramirez Law Office (Attorney of record for Priscilla Martinez)
 Pro Per Martinez, Priscilla (Pro Per Petitioner, Guardian of the Estate, mother)

Ex Parte Petition for Withdrawal of Funds from Blocked Account

Age: 18 years		<p>PRISCILLA MARTINEZ, mother and Guardian of the Estate appointed on 12/18/2003, is Petitioner. Ward attained age 18 on 10/22/2012.</p> <p>Inventory and Appraisal filed 10/11/2005 by Attorney Ramirez shows the guardianship estate consisted of cash in a blocked account in the sum of \$38,607.33 at that time.</p> <p>First Account Current, Report and Petition for its Settlement and Waiver of Fees by Guardian was filed by Attorney Ramirez on 12/12/2005, and the Order Settling First Account, etc. was filed 1/25/2006, which does not constitute a final account or request for distribution.</p> <p>Petitioner filed on 8/5/2013 an Ex Parte Petition for Withdrawal of Funds from Blocked Account, requesting withdrawal of the entire current balance of the blocked account of \$41,892.52 for the reason that the minor has attained the age of 18 years and this is a final distribution.</p> <p>Order Re: Ex Parte Petition for Withdrawal of Funds from Blocked Account filed 8/13/2013 finds: Petitioner Priscilla C. Martinez, mother and Guardian of the Estate, states the minor has turned 18 and requests distribution of the account to him on an ex parte basis. However, no release has been signed by the former minor pursuant to Probate Code § 2627, and no final account has been filed pursuant to Probate Code §§ 2620 and 2630. The Order set this matter for hearing on 9/5/2013, and orders that Petitioner and the ward, Tyler Nathaniel Miralavi, be personally present.</p> <p>Clerk's Certificate of Mailing filed 8/14/2013 shows a copy of the Order Re: Ex Parte Petition for Withdrawal of Funds from Blocked Account was mailed to Priscilla Martinez and Tyler Miralavi on 8/14/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9/5/2013.</u> Minute Order [Judge Cardoza] states examiner notes are provided to the Petitioner. The Petitioner is directed to cure the defects listed in the notes. As to Case #03CEPR00329, the Court sets a Status Hearing on 12/22/2017 for the filing of the final account of the Guardianship Estate of Trinity Miralavi [emphasis added.]</p> <p><u>Note:</u> Notice of Hearing has not been filed showing proof of notice to the ward, Tyler Miralavi, pursuant to §§ 2621 and 1460; however, he was present at the hearing on 9/5/2013.</p> <p><u>Note:</u> Attorney of record for this case is Edward R. Ramirez, who, based upon Court records, <u>has not</u> been notified of this hearing, and who <u>has not</u> filed a <i>Substitution of Attorney</i> such that the Petitioner Priscilla Martinez would be self-represented.</p> <p>~Please see additional page~</p>
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NEEDS/PROBLEMS/COMMENTS, continued:

The following issue from the last hearing remains:

1. Probate Code § 2627 states after the ward has reached the age of majority, the ward may settle accounts with the Guardian and give the Guardian a release which is valid if obtained fairly without undue influence. Petitioner has not submitted any proof of such settlement of account and release as part of the petition to withdraw funds from the blocked account comprising the assets of this guardianship estate. Need final account and/or report of the guardianship estate pursuant to Probate Code §§ 2620 and 2630, or release from Tyler Miralavi pursuant to Probate Code § 2627.

Note: Proposed Order for Withdrawal of Funds from Blocked Account has been retained from the file due to the issue noted above.

Note: Probate Code § 2627(b) provides that except as otherwise provided by the code, a guardian is not entitled to discharge until one year after the ward has attained majority. **Former ward/minor Tyler Miralavi reached age 18 on 10/22/2012 such that the Guardian may settle the account at this time, but may not be discharged as guardian of the estate until 10/23/2013.**

Timothy age: 6		Temporary Expires 10/10/13		NEEDS/PROBLEMS/COMMENTS: 1. Need Order 2. It appears that the Letters were signed only by Gennadiy Kitsen. Letters must be signed by both proposed guardians.
Sophia age: 4		GENNADIY KITSEN and LIDIA KITSEN , maternal uncle and aunt, are petitioners.		
		Father: MIKHAIL RYBIN – personally served on 11/7/12		
		Mother: MIRIAM RYBIN – consents and waives notice.		
Cont. from 121212, 041113		Paternal grandfather: Yuri Rybin – served by mail on 10/19/12. Paternal grandmother: Olga Rybin – served by mail on 10/19/12. Maternal grandfather: Nickolay Kotenkoff – served by mail on 10/19/12. Maternal grandmother: Valentina Kotenkoff – served by mail on 10/19/12.		
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Petitioners allege: the children's mother is currently dealing with personal and dependency issues and cannot presently care for the children. Mom has voluntarily given the children to the petitioners. The children's father is currently in jail and also suffers from drug addiction. Mom and Dad are divorced and Mom has sole legal and physical custody due to the father's drug addiction. Given that both parents are currently incapable of caring for the children, a guardianship is in the children's best interest.				
Court Investigator Charlotte Bien's Report filed on 11/29/12				
Court Investigator Charlotte Bien's Report filed on 4/2/13				
Court Investigator Charlotte Bien's Report filed on 10/2/13				
Please see additional page				
Reviewed by: KT				
Reviewed on: 10/2/13				
Updates:				
Recommendation:				
File 4A - Rybin				

Request for Judicial Notice filed on 12/11/12 requests the Court take Judicial Notice of the Stipulation and Order from Yolo County Superior Court Case no. FL-10-1583 dated 12/5/2012.

The Stipulation and Order states in relevant part: Yolo County defers to Fresno County re: Petition for Guardianship. Father is not suited to be primary custodial at this time – needs to show extended period of lawful conduct and drug free. If guardianship is granted, this case is stayed.

Minute order dated 12/12/12 states father, Mikhail Rybin objects to the petition. Counsel moves to amend the petition to request a temporary guardianship. The Court accepts the oral amendment and grants a temporary guardianship in favor of Gennadiy Kitsen and Lidia Kitsen. The temporary expires on 4/11/13. The Court directs that visitation be determined among the parties. As to the Christmas holiday, parties agree that the father will have the children during the Christmas weekend from Sunday until Wednesday and he will be responsible for bringing them back to the guardians. Parties are directed to make arrangements for another overnight visit as may be agreed upon. Counsel is directed to prepare the order. Father is ordered to provide counsel all documents regarding his random drug testing and class/program work. In addition, father is to keep counsel informed of his progress. The Court investigator is to conduct a further investigation of the parties. Father provides contact information to the court.

Ex parte Petition for Visitation

Timothy, 6	MIKHAIL RYBIN , father, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: Continued from 8/19/13. Minute Order states the Court orders that the visitation remain the same with the exception that visitation will take place on the first and third weekend of the month and exchanges will take place in Fresno.															
Sophia, 5	GENNADIY KITSEN and LIDIA KITSEN , maternal uncle and aunt, were appointed temporary guardians on 12/12/12.																	
Cont. from 050613, 081913			<table border="1"> <tr><td colspan="3">Reviewed by: JF/KT</td></tr> <tr><td colspan="3">Reviewed on: 10/3/13</td></tr> <tr><td colspan="3">Updates:</td></tr> <tr><td colspan="3">Recommendation:</td></tr> <tr><td colspan="3">File 4B – Rybin</td></tr> </table>	Reviewed by: JF/KT			Reviewed on: 10/3/13			Updates:			Recommendation:			File 4B – Rybin		
Reviewed by: JF/KT																		
Reviewed on: 10/3/13																		
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File 4B – Rybin																		
Aff.Sub.Wit.	Mother: MARIAM RYBIN																	
✓ Verified	Paternal grandfather: YURI RYBIN Paternal grandmother: OLGA RYBIN																	
Inventory	Maternal grandfather: NICKOLAY KOTENKOFF Maternal grandmother: VALENTINA KOTENKOFF																	
PTC	Petitioner states that after the last hearing on 04/11/13, he and the temporary guardians have not been able to reach an agreement regarding a visitation schedule and exchange location. He states that he has not been offered the opportunity to take the children to Sacramento where he lives. He states that he has been offered a 6 hour visit in Fresno, but states that the 6 hour Fresno visits are stressful because they have to use public restrooms and eat at fast food places. In addition, the children frequently ask when they are going home with him to Sacramento. Petitioner states that he has had to beg for visits in the last 5 months. He would like to have a court ordered visitation schedule to include days, time, and exchange location at a half-way point (Modesto). Petitioner proposes the following visitation schedule: <u>During school:</u> 1 st & 3 rd Friday 6:00pm exchange at McDonalds in central Modesto. <u>During summer:</u> June 15 th @ 12pm – June 24 th @ 7pm July 6 th @ 12pm – July 15 th @ 7pm Aug. 3 rd @ 12pm – Aug. 12 @ 7 pm Exchange at McDonalds in central Modesto.																	
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Declaration of Nikole E. Cunningham in support of Opposition to Ex Parte Petition for Visitation filed 05/02/13
states:

1. At the status conference hearing on 04/11/13, the Court extended the temporary guardianship to 10/10/13 and requested that the parties reach an agreement regarding visitation. In regards to visitation, Mr. Rybin requested that the Court order Petitioners to drive to Modesto for each visit in order to exchange the children. Petitioners noted the burden associated with traveling to Modesto for each visit and requested that the Court not issue such an Order. Petitioners did agree and remain willing to travel to Modesto for a portion of the visits between Mr. Rybin and his children. The Court requested that the parties agree to exchange the children in Modesto for a portion of the visits.
2. On 04/15/13, counsel and her clients prepared a proposed visitation schedule and submitted it to Mr. Rybin. The proposed visitation schedule greatly expanded the prior custody orders issued by Yolo County Superior Court. The proposed visitation schedule allows Mr. Rybin to have 1 six hour visitation and 1 weekend visitation per month during the school year. When the children are on summer vacation, the schedule allows Mr. Rybin to have 1 week-long visit from Saturday to Saturday, per month. The guardians are willing to travel to Modesto for a significant number of visits.
3. On 04/17/13, Mr. Rybin sent counsel an e-mail that included a copy of the minute order from the Court's online docket. Mr. Rybin highlighted portions of the minute order where the Court directed the parties to work amongst themselves to determine the days when they would meet halfway to exchange the children for visitation. Mr. Rybin then sought to have a weekend visit the 1st and 3rd weekends of each month and demanded that the guardians drive to Modesto to exchange the children for each visitation. During summer vacation, Mr. Rybin also proposed that week-long trips be extended to run through Monday and also demanded that guardians drive to Modesto for exchanges for each week-long visit.
4. Also on 04/17/13, counsel responded to Mr. Rybin regarding his visitation demands. She pointed out that the Court only asked that guardians travel to Modesto for a portion of the visitations, not all visits. It was further pointed out that due to the guardian's work schedules, they were unable to travel to Modesto for each visit. Finally, given that the guardians are paying all expenses associated with raising the children, to further burden guardians with the expense and time associated with always exchanging the children in Modesto was neither fair nor reasonable. Counsel did offer Mr. Rybin an additional visit the weekend of 04/26 – 04/28 and requested that Mr. Rybin let her know if he agreed to the visitation schedule. Mr. Rybin never responded to the e-mail and instead filed this ex parte petition.

Memorandum of Points and Authorities in Opposition to Ex Parte Petition for Visitation filed 05/02/13.

5A Estate of George Anderson & Rose Anderson (Trust) Case No. 13CEPR00085

Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M.

Black – children/Petitioners)

Petition for: (1) Neglect [W&I C. 15610.57]; (2) Financial Elder Abuse [W&I C. 15610.30]; (3) Recovery of Estate Property [Prob. C. 850, et seq.]; (4) Removal of Trustee for Breach [Prob. C. 15642]

George DOD:01/21/12		GEORGE H. ANDERSON, JR. , son, BARBARA J. O'BAR and CHERYL M. BLACK , daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:	
Rose DOD: 01/27/12				
		Petitioners state:	CONTINUED FROM 09/20/13 As of 10/02/13, nothing further has been filed in this matter.	
Cont. from 031813, 051713, 062113, 062813, 072613, 092013				
<input type="checkbox"/>	Aff.Sub.Wit.	<ol style="list-style-type: none"> Petitioners are beneficiaries under the terms of the George H. Anderson and Rose M. Anderson Revocable Living Trust dated 05/12/13 (the "Trust"). Steven M. Anderson, also a son of the decedent's, is trustee of the Trust and also a beneficiary of the Trust. Steven Anderson was appointed successor trustee of the Trust following the deaths of the settlors. Under the terms of the Trust, Steven Anderson, George Anderson, Jr., Barbara O'Bar, and Cheryl Black each receive 20% of the Trust assets. The remaining 20% is to be distributed to the settlor's living grandchildren. In approximately 2002, Steven and Ida Anderson (Steve & Ida/Respondents) jointly purchased a piece of property with George & Rose Anderson. Steven and Ida moved onto said property in approximately December 2002 and George and Rose moved onto said property in early 2003. Similar to a duplex, they all lived in one building that was divided into two separate living areas. Steven & Ida lived in 2/3 of the building and George & Rose lived in 1/3 of the building. Just prior to moving onto the property, Rose was diagnosed with Alzheimer's disease and George also suffered from significant health problems and dementia. Steven & Ida voluntarily began caring for George and Rose after they moved onto the property; however they failed to provide the care that George & Rose required as outlined below. First, Respondents failed to ensure that George & Rose were eating properly. Despite repeated requests, Respondents failed to monitor or track George & Rose's meals, causing missed meals and poor nutrition. <p style="text-align: center;">Continued on Page 2</p>	<ol style="list-style-type: none"> Petition does not include the names and addresses of each person entitled to notice as required by Probate Code 17201. (See also, CA Rules of Court 7.902.) Need supplement to Petition. Need proof of service by mail at least 30 days prior to the hearing to all persons entitled to notice pursuant to Probate Code § 17203. Need Order. <p>Note: A Notice of Hearing with proof of service by mail was filed 03/21/13; however, because the Petition does not list the persons entitled to notice, the Examiner is unable to determine if notice has been sent to all parties as required.</p>	
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8. Respondents also failed to provide adequate medical care for physical and mental health needs. Specifically, Respondents refused to take Rose to see her doctor, despite a clear need given her deteriorating condition due to Alzheimer's disease. In fact, Respondents altogether failed to take Rose to a single doctor's appointment after 2008 and even missed scheduled appointments with Rose's primary care physician. Similarly, Respondents failed to take George to the doctor or maintain regular doctor visits.
9. Respondents also failed to protect George and Rose from health and safety hazards. Despite assuming the role of caring for George and Rose, Respondents frequently failed to provide adequate protection from hazards. Respondents routinely unplugged their telephone at night in order prevent George & Rose from waking them up, this directly led to injuries to both George and Rose. Rose was injured early one morning and was bleeding profusely. After repeated failed attempts to obtain assistance from the Respondents, George called Barbara O'Bar. By the time Barbara arrived, there was blood all over the house. This was not the only incident where Respondents were unavailable when George and Rose needed their assistance.
10. Respondents also created health and safety hazards within George & Rose's home. Specifically, Respondents kept and maintained live turkeys in George & Rose's garage. Respondents also maintained a live rabbit inside George & Rose's bathroom. As a result, there were animal feces inside George & Rose's home, causing a severe odor and bugs inside the home. The odor and butts were hazardous to George & Rose's health in light of their weakened physical condition.
11. Respondents also failed to assist in providing property hygiene for George & Rose. Both were often visibly filthy and reeked of body odor when Petitioners visited. George was hospitalized on 12/27/11 and the hospital noted that he had "crystals" around his genitals demonstrating an utter and prolonged lack of proper hygiene. During the same hospitalization, George was also found to be severely dehydrated and was believed to have been for approximately 10-14 days. He was also suffering from stage 4 pressure ulcers on his heels, which were so severe; the hospital notified Adult Protective Services ("APS").
12. In December 2011, after APS was notified of George's condition, APS came to the home and investigated Rose's condition as well. At that time, Rose also demonstrated signs of neglect. She was found to have a pressure sore on her tailbone and was also suffering from a bladder infection and ringworm. Ringworm is commonly associated with and transmitted through animal feces, which Respondents failed to clean from George and Rose's home. Further, it was clear that Rose had not been properly bathed and that her hygiene had been severely neglected. Approximately 2 days after the visit from APS, Rose was taken to the Bedford Group, which is a private care home, where she ultimately died. George also died, just weeks after his hospitalization.
13. **First Cause of Action** (Neglect): At all relevant times, George and Rose Anderson were over the age of 65, with George being 94 at the time of his death and Rose being 89. Respondents, having care or custody of George & Rose Anderson both elders under the Welfare and Institutions Code, failed to exercise that degree of care that a reasonable person in a like position would exercise by 1) failing to assist in providing personal hygiene, 2) failing to provide medical care for physical and mental health needs, 3) failing to ensure provision for food, 4) failing to protect from health and safety hazards, and 5) failing to prevent dehydration. As a direct and proximate result of this neglect and physical elder abuse, Decedents suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657, including reasonable attorneys' fees and costs.

Continued on Page 3

14. **Second Cause of Action** (Financial Elder Abuse): For several years prior to Decedent's deaths, Respondents had access to George & Rose's bank account through an ATM card and check book. After gaining access to the bank account, Respondents repeatedly took, appropriated and retained money from George & Rose's account. Despite Respondents' failure to properly care for George & Rose, they routinely paid themselves money from George & Rose's account in order to "compensate" themselves for the care provided. Respondents took, appropriated, and retained said money for a wrongful use and with the intent to defraud George & Rose Anderson. Specifically, Respondents repeatedly withdrew and stole money from Decedent's bank account for their personal gain and without Decedent's knowledge or consent. Petitioners are informed and believe and thereon allege that Respondents wrongfully stole in excess of \$250,000.00 from Decedent's bank account from 2006 until the Decedent's deaths in January 2012. Respondents conduct constituted "financial abuse" within the Welfare & Institutions Code § 15610.30 in that George and Rose were "elders" during the perpetration of the acts of Respondents upon them, and that Respondents tool and appropriated Decedent's property in bad faith to a wrongful use and with intent to defraud, and diminished the resources available to Decedents for their care and support during their lifetime. George & Rose were harmed by Respondent's depletion of their assets. As a direct and proximate result of this financial elder abuse, George & Rose Anderson suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657.5, including reasonable attorneys' fees and costs.
15. **Third Cause of Action** (Recovery of Property pursuant to Probate Code § 850): Respondent Steven Anderson holds title and possession to property contained within the Anderson Trust, money held in Decedent's bank accounts at the time of their deaths, and any other property, both real and personal, owned by the Decedent's at the time of their deaths, all of which property rightfully belongs to the Trust. Petitioners claim the right to title and possession of the property as beneficiaries of the Trust.
16. **Fourth Cause of Action** (Removal of Trustee): Prior to George and Rose Anderson's deaths, Steven Anderson committed both physical and financial elder abuse upon George & Rose. He also frequently converted Trust assets for his own use and benefit to the detriment of other beneficiaries. Steven Anderson's conduct was hostile and repugnant to the interests of George & Rose, and to the interests of the Trust. As such, Steven Anderson is not fit or qualified to serve as trustee. Additionally, Steven Anderson committed breaches of trust since assuming the role of trustee. Petitioners are informed and believe that Steven has improperly used Trust funds after appointment as trustee in order to pay attorneys' fees that were incurred for his personal benefit and not the benefit of the Trust. He has further demonstrated hostility towards the other beneficiaries and refused to provide an accounting of Trust assets. In so doing, Steven Anderson breached the fiduciary duties owed to the beneficiaries of the Trust. Namely, Steven Anderson violated the following duties: duty of impartiality (Probate Code § 16003); duty not to use or deal with trust property for the trustee's own profit (§ 16004); duty to preserve trust property (§ 16006); duty to inform (§ 16060); and duty to account (§16061).

Petitioners pray for an Order:**ON THE FIRST CAUSE OF ACTION:**

- A. For consequential and special damages proximately cause by Respondents' acts of elder abuse and neglect upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For punitive damages, according to proof at trial;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

Continued on Page 4

ON THE SECOND CAUSE OF ACTION:

- A. For consequential and special damages proximately cause by Respondents' acts of financial elder abuse occasioned upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For a constructive trust compelling Respondents to transfer all wrongfully obtained property to the Trust pursuant to Civil Code § 2223 and 2224;
- D. For punitive damages, according to proof at trial;
- E. For a treble award of damages against Respondents pursuant to Civil Code § 3345;
- F. For attorneys' fees and costs; and
- G. For any and all further relief as the Court deems just and proper.

ON THE THIRD CAUSE OF ACTION:

- A. Directing Respondents to transfer to the Trust the property that was wrongfully removed from the Trust and to execute any documents or file any court proceedings necessary in order to fully complete the transfer;
- B. Directing Respondents to immediately deliver possession of to the Trust property that was wrongfully removed from the Trust;
- C. For statutory damages in the amount of twice the amount wrongfully taken by Respondents, pursuant to Probate Code § 859;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

ON THE FOURTH CAUSE OF ACTION:

- A. To immediately suspend the powers of the trustee, appoint a temporary trustee or trustees, and compel the trustee to surrender all Trust property to such temporary trustee(s);
- B. To remove the trustee and to appoint a successor trustee or trustees to take possession of the Trust property and administer the Trust;
- C. To compel the trustee to redress his breaches through the payment of monetary damages;
- D. To deny or otherwise reduce the compensation to the trustee;
- E. To impose a constructive trust on property of the Trust which has been wrongfully converted;
- F. To cause proceedings to trace and recover property and proceeds to with the Trust is entitled; and
- G. For any and all further relief as the Court deems just and proper.

Respondent's Opposition to Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust filed 03/18/13 by Steven Anderson and Ida Anderson admits some facts of the Petition, denies the allegations in the Petition and asserts the following affirmative defenses:

- 1. Petitioners fail to state facts sufficient to constitute any grounds for the relief requested in their Petition.
- 2. Petitioners' claims are barred by the applicable statute of limitations.
- 3. Petitioners lack standing to seek the relief requested in their Petition.
- 4. Petitioners are barred by the doctrine of unclean hands.
- 5. Petitioners are barred by the doctrine of laches.
- 6. Respondents allege that at no time during his lifetime was George Anderson suffering from any form of dementia. In fact, throughout his lifetime, George Anderson had excellent memory function and was aware of his surroundings.
- 7. Respondents allege that George and Rose Anderson voluntarily paid Respondents and other caregivers to care for them so that they could remain in their own home.

Continued on Page 5

8. Respondents allege that Petitioners have committed acts of perjury in stating that the contents of the Petition are true and correct and that they are within their own personal knowledge.
9. Respondents allege that Petitioners' claims are in bad faith and with the sole intent of extorting money from Respondents and that in doing so, Petitioners are acting with recklessness, oppression, fraud and/or malice.
10. Respondents allege that all assets belonging to the George H. Anderson and Rose M. Anderson Revocable Living Trust remain titled in the name of the trust and have not been distributed or improperly used by Respondents.
11. Respondents allege that at no time has Steven Anderson failed or refused to provide an accounting for the trust during the time period he has acted as trustee nor has he in any way breached his duties and/or responsibilities as trustee under the trust.

Respondent's pray for an Order as follows:

1. Denying Petitioners' Petition;
2. That Petitioners take nothing by way of their Petition; and
3. That Petitioners be ordered to reimburse Respondents for all reasonable costs of suit herein incurred, including all attorney's fees and costs.

5B Estate of George Anderson & Rose Anderson (Trust) Case No.13CEPR00085

Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M.

Black – children/Petitioners)

Status Hearing

George DOD:01/21/12	GEORGE H. ANDERSON, JR. , son, BARBARA J. O'BAR and CHERYL M. BLACK , daughters, filed a Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust on 01/30/13.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 09/20/13</u> Minute Order from 07/26/13 states: Ms. Cunningham informs the Court that a settlement was reached, but the agreement has not been executed as they are waiting on the accounting. As of 10/02/13, nothing further has been filed in this matter. 1. Need status update.
Rose DOD: 01/27/12		
Cont. from 051713, 062113, 062813, 072613, 092013		
Aff.Sub.Wit.	STEVEN ANDERSON , son, and IDA ANDERSON , daughter-in-law, filed an Objection to the Petition on 03/28/13.	
Verified		
Inventory	Minute Order from hearing on 03/28/13 set this matter for a status hearing.	
PTC		
Not.Cred.		
Notice of Hrg	Respondent Diane M. Myers' Status Conference Statement filed 06/27/13 states: At the June 3, 2013 Settlement Conference, the parties reached a settlement agreement that was read into the Court's record. Pursuant to the settlement agreement and the Court's order, Petitioner Whitten was to provide attorney Joann Sanoian with a list of all Trust accounts and assets and their values. On 06/26/13, attorney Bill Keeler caused a draft settlement agreement to be circulated to the parties. However, Joann Sanoian has not been provided with the Court-ordered list of trust accounts, assets and values. As such it is requested that that information be provided to Attorney Sanoian to be considered prior to the execution of the settlement agreement.	
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Status Rpt		Reviewed on: 10/02/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 5B – Anderson

5B

**Notice of Motion and Motion for Distribution of Funds Received from CalSTRS by
Guardian of the Person to be Paid to the Parent, Tony Navarro, for the Minor's
Benefit**

Age: 7	TONY NAVARRO , Father, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	JENNIFER SANCHEZ , Maternal Aunt, was appointed Guardian of the Estate on 3-6-13 without bond, funds blocked.		<p>Note: Although Mr. Navarro filed this petition and is therefore the "Petitioner" in the matter before this Probate Court at this time, it appears that in his documents he refers to himself as the "Respondent" and to Ms. Sanchez as "Petitioner," as is the practice in Family Law litigation. Examiner notes this observation simply to avoid confusion in reading the Examiner Notes, which refer to the party bringing the petition as the "Petitioner."</p>
Cont from 090513			
<input type="checkbox"/> Aff.Sub.Wit.			<p>Minute Order 9-5-13: The Court dispenses with notice as to item #2 in the examiner notes. The Court considers Mr. Navarro's filing to be a petition requiring additional fees. Mr. Porter withdraws his request for judicial notice. Matter is continued to 10/10/13. The hearings set for 9/6/13 are vacated and rescheduled for 10/10/13. Continued to 10/10/13 at 9am in Dept 303.</p> <p>As of 10-2-13, the following issue remains:</p> <ol style="list-style-type: none"> 1. This petition is titled as a "Motion" and therefore was charged a fee of \$60.00 for filing. However, Examiner notes that this actually appears to be a petition for an order authorizing, instructing, or directing a fiduciary, which would require the full filing fee of \$435 pursuant to GC §70658(a) (Fee Schedule Line 144). Therefore, need balance of \$375 from Petitioner. <p><i>Note: Minute Order 9-5-13 confirms the fee is due.</i></p>
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order	<p>Petitioner states the mother died in December 2012. At the time of her death, there was litigation pending between the parents re child support. Said litigation has spanned a period of several years culminating in an order of primary custody to Petitioner at the time of the mother's death. Petitioner requests the Court take Judicial Notice of the underlying litigation in 08CEFL00595. A joinder against Ms. Sanchez has recently been issued. That matter is still pending.</p> <p>Petitioner states the CalSTRS payments for the child were ordered on an ex parte basis on 5-8-13 to be received by the Guardian of the Estate and deposited to blocked account.</p> <p>Petitioner states the funds are for the benefit of the child and should be utilized for the care of the child. At the 3-26-13 hearing wherein Ms. Sanchez was originally appointed as Guardian of the Estate without bond, Counsel for Petitioner objected as to the ongoing monthly benefit payments, specifically CalSTRS benefits, being paid to her rather than to the father. At that time, she had not contacted CalSTRS and was not certain such benefit would be subject to the guardianship estate.</p>		
<input type="checkbox"/> Aff. Posting	<p>Petitioner states the CalSTRS payments for the child were ordered on an ex parte basis on 5-8-13 to be received by the Guardian of the Estate and deposited to blocked account.</p>		
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice	<p>Now, precisely as predicted at that hearing, Petitioner is forced to bring the instant motion to obtain this monthly payment to pay for expenses for the child. Petitioner is the sole surviving parent, is a self-employed contractor and has an average monthly income less than the equivalent of full time minimum wage.</p>		
SEE ADDITIONAL PAGES			<p>Reviewed by: skc</p> <p>Reviewed on: 10-2-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6A – Navarro</p>

Page 2

Petitioner states that while he is married and his current wife does earn sufficient income to support the household, the ongoing support and care of the minor child is NOT the legal responsibility of his spouse.

Petitioner states he is among the persons authorized by law to receive the benefits on behalf of the child. California Education Code §23855 and 23856 cited.

Petitioner states that if no guardianship of the estate had been established, he would be entitled to receive this benefit. However, the code does not designate as to who would have priority between a guardian of the estate and a parent having custody. Petitioner contends that the present situation makes absolutely no logical sense, nor would it be just or equitable to allow the guardian of the estate, who was appointed to oversee assets such as the decedent's vehicle, bank accounts, and various items of furnishing or other personal property, to have exclusive control over a monthly survivor benefit for the benefit of the child.

Petitioner states it seems quite clear that the monthly allowance from CalSTRS was intended to be an ongoing payment for the surviving children's health, well-being, and support. If such funds were intended to be accumulated into a blocked account as an investment for the child, then it would be much more logical that such sum would be awarded as a lump sum. As such, funds intended to provide for the child's ongoing needs should be paid to Petitioner.

Petitioner prays that the Court issue an order that the Guardian of the Estate pay forthwith to Petitioner fbo the minor child all sums received from the California State Teachers' Retirement System (CalSTRS) after such sums have been placed into a blocked account pursuant to this Court's order of 5-8-13.

Jennifer Sanchez, Guardian of the Estate, filed a Reply on 8-27-13. Ms. Sanchez states she is also the trustee of a living trust executed by the mother. The parents had a contentious relationship until the mother's death, and at her death, Petitioner sought to join Ms. Sanchez, as trustee of the trust, into the existing family law matter. During the family law proceeding, he sought modification of a child support order for \$241/month.

Ms. Sanchez states that immediately after the mother's death, Petitioner sought to obtain her trust assets for the minor's support through a motion for joinder. Although successful in joining her, as trustee, for a very limited purpose (to obtain reimbursement for one-half unpaid health and child care benefits from date of death), no ongoing support order was made against the mother which would now authorize a claim against the trust, nor the assets of this guardianship proceeding. On 7-30-13, Petitioner filed a Notice of Appeal of the court's order in the family law proceedings. That matter is currently pending.

The Reply states that the CA Education Code referenced was the basis for this court's order authorizing the guardian to receive the CalSTRS benefits as guardianship assets. Petitioner's moving papers fail to disclose the fact that he is receiving Social Security Survivor benefits for the support of the minor. Ms. Sanchez believes those are approx. \$300/month, which is more than the amount that he previously paid the mother in child support.

SEE ADDITIONAL PAGES

Re a guardian's use of guardianship assets to support a child: It is the parents, not the guardian, who has a duty to provide financial support for the minor. Authority cited. Because a parent has the legal obligation to support his or her minor child, the minor's assets are to be preserved until he or she attains majority, if the minor has a parent available to provide support. As a matter of almost universal court policy, the guardian may not use guardianship assets without prior court approval, and **unless the minor's parents are deceased or unavailable, approval is given only in extraordinary circumstances.** (Probate Code §2422; Family Code §3902; CEB 10.20, 10:24).

Ms. Sanchez states Petitioner is responsible for support of his child. Petitioner seeks a turnover of all CalSTRS benefits on a monthly basis for his use, without establishing that guardianship assets should be available to him, or the legal grounds under which he is somehow entitled to these assets. He has attempted for more than four years to obtain assets of the decedent. He was successful in reducing his child support obligation to her shortly before she died. Through an appeal on the family law proceeding, an objection to the establishment of the guardianship proceeding, and now this motion to gain access to the assets, he continues the vindictive and malicious attack on the decedent. His recent actions explain exactly why the mother carefully executed her estate plan prior to her death, to place a trusted family member in charge of assets which will ultimately be transferred to the minor in adulthood.

Petitioner fails to show facts sufficient to compel Ms. Sanchez to furnish support under Probate Code §2404. Ms. Sanchez is informed and believes that Petitioner's household income exceeds \$100,000.00 and that he has an ownership interest in at least one home and one rental property. At no time has he spoken to Ms. Sanchez re specific needs for which additional funds are needed. He has not spoken to her at all.

Guardianship assets currently total approx. \$53,157.00. These funds should be preserved for the minor. Should Petitioner bring a petition under §2404 and establish need for support, maintenance, education, or special needs that cannot otherwise be met by the father, Ms. Sanchez shall readily comply with any court order regarding same. She shall also request appointment of a Guardian Ad Litem for the minor to investigate the facts alleged in such a petition.

Attached to the Reply is a copy of the 4-30-13 Findings and Order in 08CEFL00595

Ms. Sanchez requests the motion be DENIED.

		<p>JENNIFER SANCHEZ, Maternal Aunt, was appointed Guardian of the Estate on 3-6-13 without bond, funds blocked.</p> <p>The petition originally anticipated receipt</p> <p>I&A Partial No. 1 was filed 4-18-13 consisting of personal property valued at \$17,255.00.</p> <p>I&A Partial No. 2 was filed 8-26-13 consisting of CalSTRS proceeds of \$5,955.33.</p> <p>A Final I&A has not yet been filed.</p> <p>Notice of Taking Possession or Control of an Asset of Minor was filed 6-24-13 at the request of the insurance company.</p> <p>A Status Hearing Report filed 9-3-13 states Ms. Sanchez has received two checks from CalSTRS, which include retroactive benefits, which checks have been deposited to the blocked guardianship estate account. Receipt attached as Exhibit B.</p> <p>Ms. Sanchez has been awaiting funds from the mother's life insurance policy with Great American Life Ins. Company, which will be deposited to blocked account upon receipt. The report requested 45 days.</p> <p>On 9-5-13, the Court reset the status hearings scheduled for 9-6-13 to 10-10-13 pursuant to request.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final I&A.</p>	
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				

Reviewed by: skc
Reviewed on: 10-2-13
Updates:
Recommendation:
File 6B - Navarro

Probate Status Hearing Re: Filing of Receipt for Blocked Account

	JENNIFER SANCHEZ , Maternal Aunt, was appointed Guardian of the Estate on 3-6-13 without bond, funds blocked.	NEEDS/PROBLEMS/COMMENTS: 1. Need receipt for deposit of insurance proceeds to blocked account.
	The petition originally anticipated receipt	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

I&A Partial No. 1 was filed 4-18-13 consisting of personal property valued at \$17,255.00.

I&A Partial No. 2 was filed 8-26-13 consisting of CalSTRS proceeds of \$5,955.33.

A Final I&A has not yet been filed.

Notice of Taking Possession or Control of an Asset of Minor was filed 6-24-13 at the request of the insurance company.

A Status Hearing Report filed 9-3-13 states Ms. Sanchez has received two checks from CalSTRS, which include retroactive benefits, which checks have been deposited to the blocked guardianship estate account. Receipt attached as Exhibit B.

Ms. Sanchez has been awaiting funds from the mother's life insurance policy with Great American Life Ins. Company, which will be deposited to blocked account upon receipt. The report requested 45 days.

On 9-5-13, the Court reset the status hearings scheduled for 9-6-13 to 10-10-13 pursuant to request.

Reviewed by: skc
Reviewed on: 10-2-13
Updates:
Recommendation:
File 6C- Navarro

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 09/16/13
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 10/02/13
			Updates:
			Recommendation:
			File 8 - Sanchez

		<p>On 5-21-13, pursuant to Amended Petition filed by David and Arlene Liles, Guardians Ad Litem for Raven Nicole Bailey, minor beneficiary, the Court appointed H.F. RICK LEAS, a licensed professional fiduciary, as Successor Trustee of the Amended Carol Baily Living Trust with bond of \$500,000.00 on 5-21-13. Bond was filed on 5-31-13.</p> <p>Order 5-21-13 also requires ALLISON ST. LOUIS, as successor or representative of the prior trustee DAVID J. ST. LOUIS, to file an accounting with the Court, which accounting shall be prepared by Dritsas, Groom and McCormick, LLP, within four weeks of the order.</p> <p>The Court set status hearing for the filing of the accounting for 6-14-13, continued to 8-16-13, 9-5-13, and now 10-10-13.</p> <p>On 10-10-13, the Court also set an Order to Show Cause regarding Allison St. Louis' failure to appear. See Page 9B.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 6-14-13, 8-16-13, 9-5-13.</u></p> <p>Note: There were no appearances on 6-14-13 or 8-16-13. Copies of the minute orders were mailed to Attorney Winter and Allison St. Louis. On 9-5-13, Jody Winter specially appeared for Attorney Gary Winter.</p>
Cont. from 061413, 081613, 090513			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 10-2-13	
		Updates:	
		Recommendation:	
		File 9A - Bailey	

Atty Winter, Gary L
 Atty St. Louis, Allison

Order to Show Cause Re: Failure to Appear (As to Allison St. Louis)

	<p>On 5-21-13, pursuant to Amended Petition filed by David and Arlene Liles, Guardians Ad Litem for Raven Nicole Bailey, minor beneficiary, the Court appointed H.F. RICK LEAS, a licensed professional fiduciary, as Successor Trustee of the Amended Carol Baily Living Trust with bond of \$500,000.00 on 5-21-13. Bond was filed on 5-31-13.</p> <p>Order 5-21-13 also requires ALLISON ST. LOUIS, as successor or representative of the prior trustee DAVID J. ST. LOUIS, to file an accounting with the Court, which accounting shall be prepared by Dritsas, Groom and McCormick, LLP, within four weeks of the order.</p> <p>The Court set status hearing for the filing of the accounting for 6-14-13, continued to 8-16-13, 9-5-13, and now 10-10-13. See Page 9A.</p> <p>On 10-10-13, the Court also set this Order to Show Cause regarding Allison St. Louis' failure to appear.</p> <p>The minute order and OSC were mailed to Allison St. Louis and Attorney Winter on 9-6-13.</p>	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-2-13
		Updates:
		Recommendation:
		File 9B - Bailey

9B

**Petition for Probate of Will and for Letters of Administration with Annexed;
Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 03/31/13		HELEN TSANG , spouse, is Petitioner and requests appointment as Administrator with will annexed without bond. Full IAEA – ok All heirs waive bond Will dated 12/12/04 Residence: Fresno Publication: The Business Journal Estimated Value of the Estate: Personal property - \$ 2,500.00 Annual income - 125,000.00 Real property - 330,000.00 Total - \$457,500.00 Probate Referee: RICK SMITH	NEEDS/PROBLEMS/COMMENTS:	
			CONTINUED FROM 09/05/13	
			Note: If the petition is granted status hearings will be set as follows:	
			<ul style="list-style-type: none"> • Friday, 03/07/14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 12/05/14 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 	
Cont. from 090513			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
✓	Aff.Sub.Wit.		w/	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail		w/	
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: JF		
		Reviewed on: 10/02/13		
		Updates:		
		Recommendation: SUBMITTED		
		File 11 – Tsang		

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3 years		TEMPORARY EXPIRES 10/10/2013		NEEDS/PROBLEMS/COMMENTS:	
		JOE ROBLES and SHARON ROBLES,		1. Need Notice of Hearing.	
		paternal grandparents, are petitioners.		2. Need proof of personal service of the	
		Father: MICHAEL ROBLES		Notice of Hearing along with a copy of the	
		Mother: CHRISTINA WILLIAMS		Petition or Consent and Waiver of Notice	
Cont. from				or Declaration of Due Diligence on:	
	Aff.Sub.Wit.			a. Christina Williams (mother)	
✓	Verified	Maternal grandfather: Not listed.		b. Michael Robles (Father)	
	Inventory	Maternal grandmother: Jeanie Ditto		3. Need proof of service of the Notice of	
	PTC			Hearing along with a copy of the Petition	
	Not.Cred.			or Consent and Waiver of Notice or	
	Notice of Hrg	x		Declaration of Due Diligence on:	
	Aff.Mail	x		• Maternal Grandfather (Not Listed)	
	Aff.Pub.			• Jeanie Ditto (Maternal Grandmother)	
	Sp.Ntc.			4. UCCJEA is incomplete. Need the minor's	
	Pers.Serv.	x		residence information for 10/3/2009 to April	
✓	Conf. Screen			2013.	
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 10/02/2013	
				Updates:	
				Recommendation:	
				File 12 - Robles	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 4 months		TEMPORARY EXPIRES 10/10/2013		NEEDS/PROBLEMS/COMMENTS:	
		TRACY MACKLIN , Paternal Aunt, is Petitioner.		Court Investigator Jennifer Young to provide: 1) CI Report 2) Clearances 1. Need proof of service fifteen days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Robert Smith (Maternal Grandfather) Geraldine Martinez (Maternal Grandmother) 	
		Father: DANA MACKLIN - Personally served 8-18-13 - Objection filed 8-20-13			
		Mother: JULIA MARTINEZ - Personally served 8-18-13			
Cont. from		Paternal Grandfather: Deceased Paternal Grandmother: Joyce Macklin - Consents and waives notice			
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified	Maternal Grandfather: Robert Smith Maternal Grandmother: Geraldine Martinez			
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg				
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input checked="" type="checkbox"/>	Pers.Serv.				
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
<p>Petitioner states the child was placed with Petitioner by CPS because neither parent is able to provide the child with adequate care due to substance abuse. The father is homeless and has a girlfriend who is a felon. He is threatening to take the child from Petitioner and the paternal grandmother who provides child care while Petitioner is at work. He comes to the home threatening to hit her and punched holes in the wall when she wouldn't give him the child. He threatened Petitioner that he will mess her up if she doesn't give him his baby. Petitioner states he wants her for money for his drug use. Petitioner states he goes to her children's homes and bullies them as well. If Dana gets the baby, Petitioner fears she will not survive due to his violence.</p> <p><u>Please see additional page</u></p>				Reviewed by: LV Reviewed on: 10/03/2013 Updates: Recommendation: File 13 - Macklin	

Dana Macklin, Father, filed an Objection on 8-20-13. Father states he objects to the petition because of the undermining way that his sister has gone about obtaining guardianship. Father states he and his wife have raised three beautiful children and guardianship is not necessary. They were separated for a while until they were able to restore the marriage. They are back together and he is at home. Father states he is the sole provider and Petitioner is obsessed with the child which leaves her mental state questionable. Petitioner is still suffering from the loss of her baby (stillborn) and in her mind she believes this is her baby. She has made these false accusations that are not true. It is her plan to take his rights away. Father wants the opportunity to raise the child in his home with his wife.

Declaration of Joyce Macklin, Paternal Grandmother, filed 09/04/2013 states she is concerned about the welfare of her granddaughter Jordynn. She states that her son is unstable due to his constant drug use. He hasn't had a job in three years, he is fighting a pending drug case, the company he keeps are on drugs and unstable. She states that his "wife" has been struggling with financial stability for some time and she truly believes that is the reason she wishes to take her grandchild for some kind of income. Paternal grandmother states that it is not her intention to keep the child away from her father but simply to keep her safe. She states that the child deserves to have love and proper care that Tracy, the petitioner, are willing and able to give to her.

Age: 1 month		<u>GENERAL HEARING 12/03/13</u>		NEEDS/PROBLEMS/COMMENTS:	
		SARAH TAMEZ , maternal second cousin, is Petitioner.		1. Need <i>Notice of Hearing</i> .	
		Father: UNKNOWN		2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Petition</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
Cont. from		Mother: SAMANTHA MACIAS		- Father (unknown)	
	Aff.Sub.Wit.			- Samantha Macias (mother)*	
✓	Verified	Paternal grandparents: UNKNOWN		*It is noted that the mother signed the nomination of guardian but did not sign the consent & waiver of notice, therefore she must still be provided notice.	
	Inventory	Maternal grandfather: MANUEL MACIAS			
	PTC	Maternal grandmother: EVELYN PULIDO			
	Not.Cred.	Siblings: ELIJAH MACIAS, CATALINA MACIAS			
	Notice of Hrg	x			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen		Petitioner alleges that the mother has substance abuse issues is homeless and unemployed. The mother does not know who the father is. Temporary guardianship is needed so the minor is not placed in foster care.		
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 10/02/13	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 14 – Macias	

Atty Darrough, Denise Yvonne (pro per – non-relative/Petitioner)

Atty Darrough, Lynnard Lafette (pro per – non-relative/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 13		<u>GENERAL HEARING 12/04/13</u>		NEEDS/PROBLEMS/COMMENTS:	
		DENISE DARROUGH and LYNNARD DARROUGH , non-relatives, are Petitioners.		<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Petition</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Frank Joya (father) - Esperanza Joya (minor) 3. Confidential Guardian Screening Form for Lynnard Darrough is incomplete at item 3 (I have/have not been charged with, arrested for, or convicted of a crime deemed to be a felony or misdemeanor) and item 4 (I have/have not had a restraining order or protective order filed against me in the last 10 years). 	
		Father: FRANK JOYA			
		Mother: LISA JOYA – deceased			
		Paternal grandparents: UNKNOWN			
		Maternal grandparents: UNKNOWN			
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	x			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 10/03/13	
				Updates:	
				Recommendation:	
				File 15 - Joya	